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October 22, 2012

*Via Electronic Filing*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25

Dear Ms. Dortch:

On October 18, 2012, Beth Choroser, Andrew Fisher, and Mary McManus of Comcast Corporation ("Comcast") and Richard Metzger and Emily Daniels of Lawler, Metzger, Keeney & Logan, LLC, outside counsel to Comcast, spoke via telephone with Elizabeth McIntyre, Matthew Porter, Jonathan Reel, Luis Reyes, and Jamie Susskind of the Wireline Competition Bureau, and Jack Erb of the Office of Strategic Planning and Policy Analysis. On October 19, 2012, Mary McManus and Richard Metzger also spoke via telephone with Nicholas Alexander, Elizabeth McIntyre, and Eric Ralph of the Wireline Competition Bureau. The purpose of both calls was to discuss the "comprehensive data collection order" that is expected to be issued in the near future.<sup>1</sup>

In response to a question from Commission staff, Comcast's representatives stated, subject to check, that Comcast is not in the business of providing dark fiber or leasing indefeasible rights of use ("IRUs"). Subsequent to the conversation, Comcast's representatives confirmed that the company's commercial offerings do not include IRUs. Comcast does purchase IRUs from several providers for internal consumption, but does not resell that capacity as an IRU. There currently may be a few isolated instances in which Comcast provides IRUs that resulted from a Comcast acquisition or some other *sui generis* circumstance. Comcast, however, is not and has never been in the business of leasing fiber under IRUs.

The staff also asked whether Comcast's business unit found it difficult to market dedicated transmission services because their target customers claimed that existing volume commitments to incumbent local exchange carriers prevented them from switching to a new

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<sup>1</sup> *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, Report and Order, 27 FCC Rcd 10557, ¶ 86 (2012).

entrant. Comcast's representatives stated that the company's business unit had not indicated to them that this currently is a significant problem.

The Commission staff also stated that they were interested in gathering information about the process that a service provider, including a new entrant, undertakes in deciding to make a pricing change that will have a significant impact on its revenues. In Comcast's view, such a request would be ill-advised. Comcast agrees with the National Cable & Telecommunications Association ("NCTA") that the principal focus of this data request "should be identifying which areas of the country have competitive alternatives for dedicated high-capacity services and which areas do not."<sup>2</sup>

Finally, Comcast expressed its agreement with the concerns outlined in NCTA's October 10 filing in the above-referenced proceeding, which noted that the mandatory data request "could result in significant burdens for cable operators that compete in the marketplace for high-capacity dedicated services and that it could cover data that cable operators consider to be of the utmost commercial sensitivity."<sup>3</sup> Commission staff specifically asked whether Comcast viewed as reasonable Verizon's suggestion that the data request require respondents to "provide data or maps that show the geographic area where you or your affiliate offers or plans to offer retail or wholesale high-capacity services, whether wireline or wireless, within the next two years."<sup>4</sup> Comcast's representatives stated that they agreed with NCTA's recent *ex parte* that "there is no meaningful way for companies to provide information on future deployment plans."<sup>5</sup>

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<sup>2</sup> Letter from Steven F. Morris and Jennifer K. McKee, National Cable & Telecommunications Association, to Marlene H. Dortch, FCC Secretary, WC Docket No. 05-25, at 3 (Oct. 10, 2012) ("NCTA *Ex Parte*").

<sup>3</sup> *Id.* at 1.

<sup>4</sup> Letter from Donna Epps, Verizon, to Marlene H. Dortch, FCC Secretary, WC Docket No. 05-25, at 3 (July 31, 2012); Letter from Maggie McCreedy, Verizon, to Marlene H. Dortch, FCC Secretary, WC Docket No. 05-25, at 2 (Oct. 2, 2012); Letter from Donna Epps, Verizon, to Marlene H. Dortch, FCC Secretary, WC Docket No. 05-25, at 1-2 (Oct. 15, 2012).

<sup>5</sup> NCTA *Ex Parte* at 2.

Pursuant to section 1.206(b)(2) of the Commission's rules, 47 C.F.R. § 1.1206(b)(2), this *ex parte* notification is being filed for inclusion in the public record of the above referenced proceeding.

Respectfully submitted,

/s/ Mary McManus  
Mary McManus

cc: Nicholas Alexander  
Jack Erb  
Elizabeth McIntyre  
Matthew Porter  
Eric Ralph  
Jonathan Reel  
Luis Reyes  
Jamie Susskind